



Franco Environmental Law LLC

SUBMITTED ONLINE

May 23, 2023

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Re: Freedom of Information Act Request Concerning “Separated Food Waste” Under the Renewable Fuel Standard Program

Pursuant to the Freedom of Information Act, 5 U.S.C. § 552, I hereby request that the records identified below be made available for inspection and copying.

- All guidance documents, memoranda, letters, and other records related to the definition or meaning of “separated food waste” under 40 C.F.R. § 80.1401 and as used in Title 40 of the Code of Federal Regulations, Part 80, Subpart M;¹
- All guidance documents, memoranda, letters, and other records related to the eligibility (or ineligibility) or approval (or disapproval) of any feedstock as “separated food waste” as defined by 40 C.F.R. § 80.1401 and as used in Title 40 of the Code of Federal Regulations, Part 80, Subpart M;
- All e-mails, phone records, and written correspondence to and from the Office of Transportation and Air Quality, including the National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Michigan, to and from EPA’s Fuels Program Support Line, and to and from EPA’s enforcement office, related to the eligibility (or ineligibility) of any feedstock as “separated food waste” as defined in 40 C.F.R. § 80.1401 and used in Title 40 of the Code of Federal Regulations, Part 80, Subpart M;
- All guidance documents, memoranda, letters, and other records related to the definition or meaning of “biogenic waste oil/fats/greases” as used in Title 40 of the Code of Federal Regulations, Part 80, Subpart M;
- All guidance documents, memoranda, letters, and other records related to the eligibility (or ineligibility) or approval (or disapproval) of any feedstock as biogenic waste oils/fats/greases” as used in Title 40 of the Code of Federal Regulations, Part 80, Subpart M;

¹ EPA has proposed to move this definition to 40 C.F.R. § 80.2. 87 Fed. Reg. 80,582, 80,718 (Dec. 30, 2022).

- All e-mails, phone records, and written correspondence to and from the Office of Transportation and Air Quality, including the National Vehicle and Fuel Emissions Laboratory in Ann Arbor, Michigan, to and from EPA's Fuels Program Support Line, and to and from EPA's enforcement office, related to the eligibility (or ineligibility) of any feedstock as "biogenic waste oil/fats/greases" as used in Title 40 of the Code of Federal Regulations, Part 80, Subpart M; and
- All guidance documents, memoranda, letters, and other records related to the eligibility (or ineligibility) or approval (or disapproval) of sugars from any source and in any form (e.g., molasses) as "renewable biomass" as defined in 40 C.F.R. § 80.1401 and used in Title 40 of the Code of Federal Regulations, Part 80, Subpart M.

The Freedom of Information Act prescribes a limit of twenty working days for compliance with requests for agency records. 5 U.S.C. § 552(a)(6)(A)(i). Should any of the requested records be identified in advance of the statutory deadline, I request that such records be made available immediately. In addition, in the event that the Environmental Protection Agency claims that any of the records are exempt from disclosure in whole or in part, I request that the Agency identify and describe each such record and state its reasons for non-disclosure and segregate all material not subject to exemptions and make that material available.

Please contact me if there are any questions concerning this request. I agree in advance to pay reasonable costs of searching for and copying the requested records; however, please notify me if the costs are likely to exceed \$100.00.

Thank you for your prompt attention to this matter.

Sincerely,

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